



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

NAVPERSCOMINST 5811.1

PERS-00J

21 MAY 2007

NAVPERSCOM INSTRUCTION 5811.1

From: Commander, Navy Personnel Command

Subj: ENLISTED DISCIPLINARY REVIEW BOARD (EDRB)

Ref: (a) Uniform Code of Military Justice (UCMJ),  
Article 15  
(b) JAGMAN, Chapter I, Part B

Encl: (1) Flow Process of a Enlisted Disciplinary Review  
Board (EDRB)  
(2) Procedures to be followed by the Enlisted  
Disciplinary Review Board (EDRB)  
(3) OPNAV 5527/3 (DEC 1982), Department of the Navy  
Military Suspect's Acknowledgement and Waiver of  
Rights  
(4) NAVPERSCOM 5811/1 (03-07) Navy Personnel Command  
Enlisted Disciplinary Review Board (EDRB)  
Recommendation

1. Purpose. To provide guidance and establish procedures to be used by the Commanding Officer, Staff Enlisted Personnel (CO, SEP) in the issuance of nonjudicial punishment (NJP) at Navy Personnel Command (NAVPERSCOM) per references (a) and (b). Also, to ensure screening hearings are held to provide the CO, SEP all necessary facts and information needed to assist in rendering appropriate case dispositions. The process of a Enlisted Disciplinary Review Board (EDRB) is depicted in enclosure (1)

2. Discussion. Historically, chief petty officers (CPOs) have served as the primary role models for junior enlisted personnel. The Enlisted Disciplinary Review Board (EDRB), composed of four master chief petty officers (MCPOs), is established to screen disciplinary cases of enlisted personnel and make

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recommendations to the CO, SEP regarding disposition. Enclosure (2) identifies specific procedures to be followed by the EDRB.

3. Composition. The Command Master Chief (CMDCM) will serve as Chairperson of the EDRB, and will nominate three other MCPOs to serve as members of the EDRB. In the absence of the CMC, the Acting CMC will assume this responsibility. EDRB members should be selected from throughout NAVPERSCOM. However, at the discretion of the CMC and with concurrence of the CO SEP, MCPOs from area commands may be selected. No member of the EDRB shall review a case involving a member within their respective chain of command.

#### 4. Responsibility

a. The EDRB will interview the accused, review the accused's service record, review all inputs and recommendations submitted by the member's chain of command and may request witnesses the EDRB deems material and necessary. Prior to any questioning at EDRB, the accused shall be properly advised of their rights per enclosure (3).

b. NAVPERSCOM, Office of Legal Counsel (PERS-00J) will provide a representative to render administrative assistance in preparing each case for review. This assistance includes notifying witnesses to appear before the EDRB and ensuring relevant records and investigations (mast package) are available for the EDRB to review. The accused member's chain of command will be afforded the opportunity to make recommendations on disposition to the EDRB, prior to conducting the board.

c. Utilizing enclosure (4), the EDRB will make written recommendations to the CO, SEP. The recommendation will include comment on the accused's innocence or guilt and recommend an appropriate punishment or nonpunitive corrective measures. The EDRB's report will be attached to the left side of the mast package. If the EDRB determines the accused's chain of command could have alleviated problems prior to the accused being placed on report, written recommendations for the chain of command may be made to Commander, Navy Personnel Command (COMNAVPERSCOM) via the CO, SEP.

d. The recommendations of the EDRB will assist in determining the disposition of each case. The EDRB has no power

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EDRB's recommendation that a case be handled nonpunitively or via judicial disposition (courts-martial).

5. Action. NAVPERSCOM (PERS-00J) will provide guidance and review to ensure individual rights are protected and the command's NJP procedures are followed.

6. Forms. OPNAV 5527/3 (DEC 1982), Department of the Navy Military Suspect's Acknowledgement and Waiver of Rights is available at <https://forms.daps.dla.mil/order/>, and NAVPERSCOM 5811/1 (03-07), Navy Personnel Command Enlisted Disciplinary Review Board (EDRB) Recommendation is available at <http://www.npc.navy.mil/Audiences/ForInternal>.

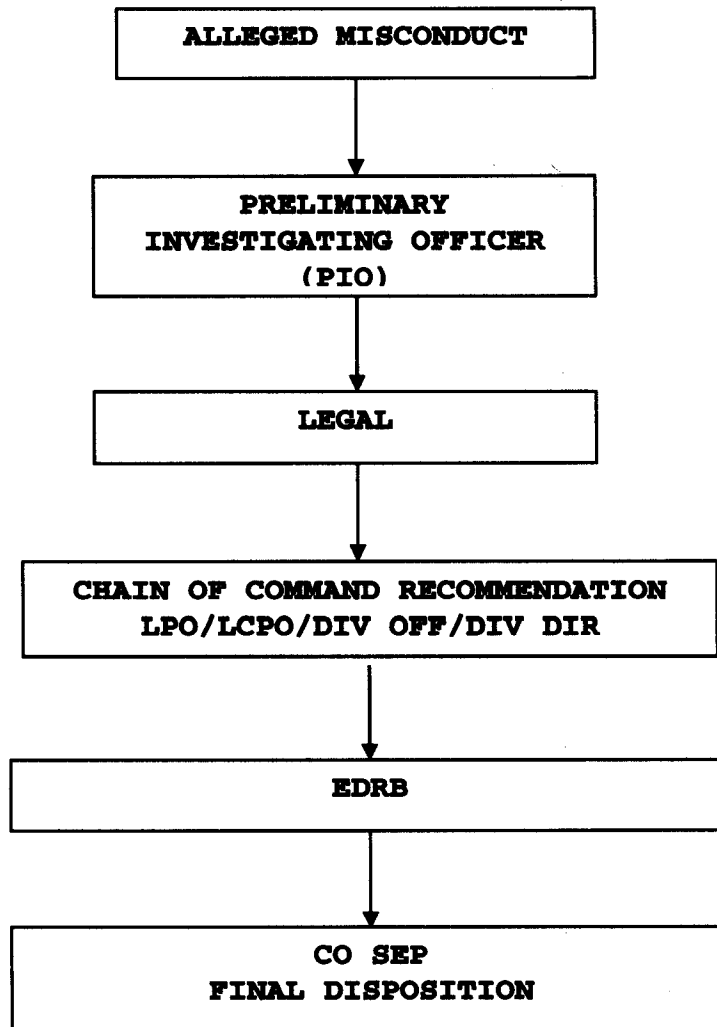
  
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Executive Assistant

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**ENLISTED DISCIPLINARY REVIEW BOARD (EDRB)  
FLOW PROCESS**



**PROCEDURES TO BE FOLLOWED BY THE ENLISTED DISCIPLINARY  
REVIEW BOARD (EDRB)**

1. The EDRB shall review reports of Preliminary Inquiry, formal complaints, and/or Report and Disposition of Offense Forms/Rough Report Chits that pertain to cases under its purview. The EDRB will only review cases of enlisted personnel to NAVPERSCOM, Navy Band Mid-South or other NAVPERSCOM detachments.
2. The Board shall request any witness(es) it deems material and necessary through NAVPERSCOM (PERS-00J). NAVPERSCOM (PERS-00J) will provide relevant reports and investigations for review.
3. The board shall normally provide reasonable notice to the accused of the time and place of the EDRB which normally will be 24 hours; however, lack of advance notice will not invalidate the recommendations of the EDRB. The accused does not have a right to refuse EDRB.
4. The board shall interview the accused and any relevant witnesses. Prior to interviewing the accused, the EDRB shall ensure the accused is advised of their rights under the Uniform Code of Military Justice (UCMJ), article 31b. The accused will sign enclosure (2), or a similar form, acknowledging an understanding of their rights prior to any questioning.
5. After considering all the facts and evidence, the EDRB shall vote. All recommendations will be by majority vote. Any dissenting member should provide a written basis for their dissent. The EDRB may recommend:
  - a. Dismissal of all or any portion of the charges;
  - b. Nonpunitive administrative measures, including extra military instruction and nonpunitive letters of caution, in lieu of NJP;
  - c. NJP, with specific punishment(s) recommended;
  - d. The case for Court-Martial consideration; and/or

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e. Administrative Separation processing.

6. In addition to the chain of command recommendations, the EDRB's recommendation will be forwarded to the CO, SEP with a copy of the EDRB's recommendations filed in the Mast Package.

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<small>DEPARTMENT OF THE NAVY</small> <b>MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS</b>	
	Place: _____ _____
I, _____ have been advised by _____ that I am suspected of _____	
I have also been advised that: (1) I have the right to remain silent and make no statement at all; (2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding; (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both; (4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and (5) I may terminate this interview at any time, for any reason.	
I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.	
Witnessed: _____  _____	Signature: _____  Date & Time: _____
Date & Time: _____	
At this time, I, _____ desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.	

OPNAV 5527/3 (DEC 1982)

CLEAR

NAVPERSCOMINST 5811.1

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SUPPORTING DIRECTIVE NAVPERSCOMINST 5811.1

**NAVY PERSONNEL COMMAND  
ENLISTED DISCIPLINARY REVIEW BOARD (EDRB) RECOMMENDATIONS**

From: Chairperson, Enlisted Disciplinary Review Board

To: Commanding Officer, Staff Enlisted Personnel

Subj: RECOMMENDATIONS ICO

Ref: (a) NAVPERSCOMINST 5811.1

1. Pursuant to reference (a), the Navy Personnel Command's Enlisted Disciplinary Review Board (EDRB) was convened in the case of subject named member.
2. The accused was charged with violations of the Uniform Code of Military Justice (UCMJ), Articles:

3. Based on all matters reviewed, it was determined that there is/are not substantial reason to suspect the accused committed the offense(s) as alleged. In view of this, the following comment(s)/recommendation(s) is/are made:

NOTE: DISSENTING OPINIONS, IF ANY, ARE ATTACHED

**MAST PUNISHMENT RECOMMENDATIONS**

- |   |  |
|---|--|
| <input type="checkbox"/> Demerits         | <input type="checkbox"/> Restriction               |
| <input type="checkbox"/> Demerits at Mast | <input type="checkbox"/> Extra Duties              |
| <input type="checkbox"/> Mast Disposition | <input type="checkbox"/> Reduction in Rate         |
| <input type="checkbox"/> Court-Martial    | <input type="checkbox"/> Forfeiture of Pay         |
|   | <input type="checkbox"/> Correctional Custody Unit |
|   | <input type="checkbox"/> Reprimand: Oral/Written   |
|   | <input type="checkbox"/> Other                     |

\_\_\_\_\_  
(Signature)

NAVPERSCOM 5811/1 (03-07)

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Enclosure (4)